IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

WP(C).No. 6418 of 2007(L)

PETITIONER:

MATHEW S.P.,
U.P.S.A., LUTHERGIRI U.P.S. ARYANADU,
RESIDING AT ANUGRAHA, NEAR R.C. CHURCH,
PERINGAMMALA, KALLIYOOR P.O.,THIRUVANANTHAPURAM.

BY ADV. SRI.N.NANDAKUMARA MENON
SRI.P.K.MANOJKUMAR

RESPONDENTS:
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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (F) DEPARTMENT, GOVERNMENT OF
KERALA SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. THE ASSISTANT EDUCATIONAL OFFICER,
NEDUMANGAD, THIRUVANANTHAPURAM.

4. REV. C.H.ALFRED,
MANAGER, LUTHERAN SCHOOL, THIRUVANANTHAPURAM SYNOD
CALVARY LUTHERAN CHURCH, PEROORKADA,
THIRUVANANTHAPURAM-5.

BY G.P.SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C).No.6418 OF 2007

Dated this the 1st day of March, 2007

JUDGMENT

By Ext.P1 order petitioner was appointed as U.P.S.A. Ext.P3 is the order of the DPI by which appointment of the fourth respondent is seen approved from 08-06-2005 to 7-6-2008. No decision has been taken regarding the approval of the appointment of the petitioner.

2. The relief sought for in the writ petition is to direct the third respondent to consider the approval of appointment of the petitioner as U.P.S.A in the light of the decision of the Division Bench of this court in **Padmanabhan Nambiar v. Government of Kerala** (1997(2)KLT 725) and to pay arrears of salary.

3. I heard learned counsel for the petitioner, Sri.Goplakrishnan Nair for respondent No.4 and learned Government Pleader also. There is no dispute that Ext.P3 has been

set aside by the Government and the matter is no doubt challenged by the fourth respondent in the writ petition filed here. Whatever that be, the writ petition is disposed of directing the third respondent to consider and take a decision on the question relating to approval of the appointment of the petitioner on the basis of Ext.P1 order of appointment in accordance with law after hearing the petitioner, fourth respondent and Rev.R.Vijayakumar, who has been approved as manager by the Government, within a period of two months from the date of receipt of a copy of this judgment. It is open to the petitioner to rely on the decision of this court in 1997(2)KLT 725 also.

K.M.JOSEPH
JUDGE

sv.